

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 769
SPONSOR(S): Roberson

911 Emergency Dispatcher Certification

TIED BILLS:

IDEN./SIM. BILLS: SB 2040

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----|---|--------|---------|----------------|
| 1) | Health Care Regulation Policy Committee | | Holt | Calamas |
| 2) | Military & Local Affairs Policy Committee | | | |
| 3) | Health & Family Services Policy Council | | | |
| 4) | Full Appropriations Council on General Government & Health Care | | | |
| 5) | | | | |

SUMMARY ANALYSIS

In 2008, the Legislature established a voluntary certification program for 911 emergency dispatchers. The bill makes the 911 emergency dispatcher certification program mandatory.

Effective October 1, 2012, any person serving as a 911 emergency dispatcher must be certified; unless they are a trainee for a period not to exceed 6 months and the trainee must be under the direct supervision of a certified dispatcher who has at least 2 years experience. Prior to October 1, 2012, individuals may still seek certification on a voluntary basis. The bill deletes the requirement that at least two years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002 are necessary for certification. The bill permits that a person may attend a more stringent training program, thus not limiting a person to a program that is equivalent to the most recently approved emergency dispatcher course. However, the bill does not define or provide parameters for what is considered a more stringent program.

The bill will have a significant positive fiscal impact from the establishment of certification leisure and biannual renewal fees to be deposited to the Emergency Medical Services Trust Fund within the Department of Health. There would also be an increase in expenditures based of the increase workload but it would not exceed the revenues (see fiscal analysis).

The bill takes effect October 1, 2009.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Florida's Public Policy on 911 Services

Section 365.171, F.S., sets forth the provisions which govern Florida's public policy on the emergency telephone number "911." The provision specifies that it is the intent of the Legislature to:

"establish and implement a cohesive statewide emergency telephone number "911" plan which will provide citizens with rapid direct access to public safety agencies by dialing the telephone number '911' with the objective of reducing response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services."

911 Emergency Dispatchers

According to the United States Department of Labor, emergency dispatchers monitor the location of emergency services personnel from one or all of the jurisdiction's emergency services departments. These workers dispatch the appropriate type and number of units in response to calls for assistance. Dispatchers are often the first point of contact for the public when emergency assistance is required. If trained for emergency medical services, the dispatcher may provide medical instruction to those on the scene of the emergency until the medical staff arrives.¹

When handling calls, dispatchers question each caller carefully to determine the type, seriousness, and location of the emergency. The information obtained is generally posted electronically by computer. The dispatcher then quickly decides the priority of the incident, the kind and number of units needed, and the location of the closest and most suitable units available. When appropriate, dispatchers stay in close contact with other service providers. In a medical emergency, dispatchers keep in close touch not only with the dispatched units, but also with the caller. They may give extensive first-aid instructions before the emergency personnel arrive. Dispatchers continuously give updates on the patient's condition to the ambulance personnel and often serve as a link between the medical staff in a hospital and the emergency medical technicians in the ambulance.²

¹ United States Department of Labor, Bureau of Labor Statistics, "Occupational Outlook Handbook- Dispatchers," <http://www.bls.gov/oco/ocos138.htm> (last visited March 22, 2009).

² *Ibid.*

Department of Education Curriculum Framework and Standards

The Division of Workforce Education at the Department of Education (DOE) publishes curriculum frameworks and standards aligned to the sixteen Career Clusters delineated by the United States Department of Education. Each program's course standards are composed of two parts: a curriculum framework and the student performance standards. The curriculum framework includes four major sections: major concepts/content, laboratory activities, special notes, and intended outcomes. Student performance standards are listed for each intended outcome.³

The Public Safety Telecommunication program is designed to prepare students for employment as a police, fire, ambulance, or emergency medical dispatcher. The program is divided into two levels. The first level, "Occupational Completion Point A", is a 208 hour curriculum designed for police, fire, and ambulance dispatchers. The second level, "Occupational Completion Point B", is to be completed after the first level through an additional 24 hour curriculum designed for emergency medical dispatchers.⁴

Voluntary 911 Emergency Dispatcher Certification Program

In 2008, the Legislature established a voluntary certification program for 911 emergency dispatchers that is regulated by the Department of Health ("department").⁵ Current law states that a "911 emergency dispatcher" is a person who is employed by a state agency or local government as a public safety dispatcher or 911 operator whose duties and responsibilities include:⁶

- Answering 911 calls;
- Dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency;
- Providing real-time information from federal, state, and local crime databases; or
- Supervising or serving as the command officer to a person or persons having such duties and responsibilities.

However, the term does not include administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel.

Applicants for certification must submit specified forms, pay a certification fee⁷, and meet the educational and training requirements for certification and recertification as a 911 emergency dispatcher.⁸

The department determines whether the applicant meets the requirements for certification and issues a certificate to any person who meets the requirements. The requirements are:⁹

- Completion of an appropriate 911 emergency dispatcher training program that is equivalent to the most recently approved emergency dispatcher course of the Department of Education and consists of not less than 208 hours;
- Completion and documentation of at least 2 years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002;
- Certification under oath that the applicant is not addicted to alcohol or any controlled substance;
- Certification under oath that the applicant is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties;
- Submission of the application fee prescribed in subsection (3); and
- Submission of a completed application to the department indicates compliance with the requirements for certification.¹⁰

³ Florida Department of Education, "Curriculum Framework, Public Safety Telecommunication," July 2008, http://www.fldoe.org/workforce/dwdframe/ps_cluster_frame08.asp (last visited March 13, 2008).

⁴ Ibid.

⁵ Chapter 2008-51, L.O.F.

⁶ Section 401.465(1), F.S.

⁷ The fee for initial certification is \$75 and biannual renewal is \$100.

⁸ Section 401.465(2)(a), F.S.

⁹ Section 401.465(2)(b), F.S.

¹⁰ Application is done through DH Form 5066. (64J-3.001, F.A.C.)

Each 911 emergency dispatcher certificate expires automatically if not renewed at the end of the 2-year period. A certificate that is not renewed at the end of the 2-year period automatically reverts to an inactive status for a period that may not exceed 180 days and may be reactivated and renewed within the 180-day period if the certificateholder meets the qualifications for renewal and pays a \$50 late fee.¹¹ The department may suspend or revoke a certificate at any time if it determines that the certificateholder does not meet the applicable qualifications.¹²

Section 401.411, F.S., provides for the disciplinary action, such that the department may deny, suspend, or revoke a license, certificate, or permit or may reprimand or fine a 911 emergency dispatcher certificateholder on any of the following grounds:

- Addiction to alcohol or any controlled substance;
- Engaging in or attempting to engage in the possession, except in legitimate duties under the supervision of a licensed physician, or the sale or distribution of any controlled substance as set forth in chapter 893;
- A conviction in any court in any state or in any federal court of a felony, unless the person's civil rights have been restored;
- Knowingly making false or fraudulent claims; procuring, attempting to procure, or renewing a certificate, license, or permit by fakery, fraudulent action, or misrepresentation;
- Unprofessional conduct, including, but not limited to, any departure from or failure to conform to the minimal prevailing standards of acceptable practice as an emergency medical technician or paramedic, including undertaking activities that the emergency medical technician or paramedic is not qualified by training or experience to perform;
- Sexual misconduct with a patient, including inducing or attempting to induce the patient to engage, or engaging or attempting to engage the patient, in sexual activity;
- Failure to give to the department true information upon request regarding an alleged or confirmed violation;
- Fraudulent or misleading advertising or advertising in an unauthorized category;
- Practicing as an emergency medical technician, paramedic, or other health care professional operating under this part without reasonable skill and safety to patients by reason of illness, drunkenness, or the use of drugs, narcotics, or chemicals or any other substance or as a result of any mental or physical condition; and
- The failure to report to the department any person known to be in violation of s. 401.411, F.S.

The Effects of the Bill

The bill makes the voluntary 911 emergency dispatcher certification program mandatory. Effective October 1, 2012, any person serving as a 911 emergency dispatcher must be certified; unless they are a trainee for a period not to exceed 6 months and the trainee must be under the direct supervision of a certified dispatcher who has at least 2 years experience. Until to October 1, 2012, individuals may still seek certification on a voluntary basis. The bill deletes the requirement that at least two years of supervised full-time employment as a 911 emergency dispatcher after to January 1, 2002 is necessary for certification. The bill permits that a person may attend a more stringent training program, thus not limiting a person to a program that is equivalent to most recently approved emergency dispatcher course. However, the bill does not define or provide parameters for what is considered a more stringent program.

B. SECTION DIRECTORY:

Section 1. Amends 401.465, F.S., relating to 911 emergency dispatcher certification.

Section 2. Provides an effective date of October 1, 2009.

¹¹ Section 401.465(2)(d), F.S.

¹² Section 401.465(2)(e), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The fee for initial certification is \$75 and renewal certification is \$100. The department projects 6,171 individuals will seek dispatcher certification in the first year and approximately 142, 145, and 149 individuals will seek certification respectively each year. The license is renewed on a biannual basis.

| Estimated Revenue | 1st Year (2010) | 2nd Year (2011) | 3rd Year (2012) | 4th Year (2011) |
|-------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Initial Registration Fee @ \$75 | \$ 462,825 | \$ 10,650 | \$ 10,875 | \$ 11,175 |
| Registration Renewal Fee @ \$100 | \$ - | \$ - | \$ 617,100 | \$ 14,100 |
| Total Estimated Revenues | \$ 462,825 | \$ 10,650 | \$ 627,975 | \$ 25,275 |

2. Expenditures:

For the purposes of this analysis, the Department of Health estimates that there are 6,033 dispatchers in the state based on information gathered from each county's State of Florida Emergency Telephone Number 911 Plan from the Department of Management Services and the Florida Highway Patrol. Based on several years of U.S. Census data, the state's population has grown about 2.3%. In addition if there's currently 1 emergency dispatcher per 3,229 Florida residents. Thus, there will be approximately 6,171 emergency dispatchers by 2010 with a projected increase of emergency dispatchers of 142 in 2011, 145 in 2012, and 149 in 2013.

Currently, the department has an outside vendor who processes initial and renewal applications and related fees. The contract is based on a \$7.95 per application rate. However, the contract will most likely increase with the additional number of applications processed under the contract.

The department has projected that the increase in workload to issue and process certification applications and provide regulatory functions for 911 dispatchers requires a 1.0 full-time equivalent position.

| Estimated Expenditures | 1st Year (2010) | 2nd Year (2011) | 3rd Year (2012) | 4th Year (2013) |
|--|----------------------------|----------------------------|----------------------------|----------------------------|
| Salaries | | | | |
| 1.0 - Reg Spec II, PG 17 | \$ 27,926 | \$ 27,926 | \$27,926 | \$27,926 |
| <i>Fringe Benefits @29%</i> | \$ 8,099 | \$ 8,099 | \$ 8,099 | \$ 8,099 |
| Expense | | | | |
| Standard package allowed | \$ 10,112 | \$ 6,700 | \$ 6,700 | \$ 6,700 |
| Operating Capital Outlay | | | | |
| Standard package allowed | \$ 1,000 | | | |
| Contracted Services | | | | |
| Initial & Renewal processing @ \$7.95 per application | \$ 45,060 | \$ 1,129 | \$50,212 | \$ 2,314 |
| Total Estimated Expenditures | \$ 92,197 | \$ 43,854 | \$92,937 | \$45,039 |

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
Not applicable.
2. Expenditures:
Not applicable.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill would establish an initial and renewal licensure fee to individuals requesting in the amount of \$75 and \$100 respectfully. There would also be an impact to private sector EMS providers for the cost of the 911 dispatcher training. There may be an increase in enrollment at facilities such as community colleges that offer the 911 emergency dispatcher training program.

D. FISCAL COMMENTS:

The bill requires the assessed fees to be deposited into the Emergency Medical Services Trust Fund. However, the regulatory duties of processing, monitoring, and enforcement are handled by the Division of Medical Quality Assurance (MQA). In order for MQA to be reimbursed for the expenses associated with these regulatory duties an interagency agreement and non-operating transfer of monies is required.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

The department has sufficient rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not define or provide parameters for what is considered a more stringent certification program.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES